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CITY OF ROHNERT PARK and ROHNERT PARK  
DEPARTMENT OF PUBLIC SAFETY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PEDRO DECTOR AND FLORIBERTO PEREZ  
OJEDA and all others similarly situated,,

Plaintiffs,

v.

CITY OF ROHNERT PARK, ROHNERT  
PARK DEPARTMENT OF PUBLIC SAFETY  
and DOES 1-5, inclusive,

Defendants.

CASE NO.: C 13-0104 RS

**STIPULATION FOR DISMISSAL OF  
SPECIFIED CLAIMS FOR RELIEF OF  
FIRST AMENDED COMPLAINT;  
~~Proposed~~ ORDER DISMISSING  
SPECIFIED CLAIMS**

TO THIS HONORABLE COURT:

1. Since the Stipulated Order Dismissing the First Claim of Relief in the First Amended Complaint ("FAC"), issued by this Court on April 29, 2013, the parties have continued to meet and confer concerning the issues raised by plaintiffs' FAC. After careful discussion, the parties now agree and stipulate as stated herein.

2. The parties agree and stipulate that the Third Claim for Relief in the FAC, alleging a violation of plaintiffs' right to equal protection of the laws, shall be dismissed with prejudice as against the named defendants in this case. However, plaintiffs reserve any rights available to them to pursue relief against the State of California and/or the Attorney General if they deem such an action is warranted.

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3. Plaintiffs' Fifth Claim for Relief in the FAC is one for declaratory and injunctive relief. Among other things, plaintiffs have requested that this Court decide whether it is legal to effect a vehicle impoundment under California Vehicle Code § 1460.26 where the driver is without a valid California License but has previously been issued a driver's license from a foreign jurisdiction, such as Mexico. (See FAC ¶71). The parties agree and stipulate that this aspect of plaintiffs' Fifth Claim for Relief is moot in light of policy changes effected by defendants, and shall therefore be dismissed without prejudice and stricken from paragraph 71 of the FAC.

4. The parties agree that all parties are to bear their own fees and costs with respect to the dismissals agreed to in this stipulation and with respect to the dismissal of plaintiffs' Fourth Amendment Claim reflected in the Stipulated Order of April 29, 2013.

5. In order to better facilitate the adjudication of the issues raised by plaintiffs' complaint given the parties' stipulations, the parties agree that plaintiffs shall file a Second Amended Complaint which restates plaintiffs' remaining claims in accordance with the Stipulated Order of April 29, 2013 and the instant Stipulation and Order which collectively ordered dismissed and stricken certain allegations and claims. Plaintiffs shall file the Second Amended Complaint within 10 days of the Court's issuance of the instant Order.

IT IS SO STIPULATED.

DATED: May 17, 2013

By /s/ Mark T. Clausen  
MARK T. CLAUSEN  
Attorneys for Plaintiffs  
PEDRO DECTOR and FLORIBERTO PEREZ  
OJEDA

DATED: May 17, 2013

GEARY, SHEA, O'DONNELL, GRATTAN &  
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By /s/ Robert W. Henkels  
ROBERT W. HENKELS  
Attorneys for Defendants  
CITY OF ROHNERT PARK and ROHNERT  
PARK DEPARTMENT OF PUBLIC SAFETY

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**STIPULATED ORDER**

After review of the parties' Stipulation, and good cause appearing, the Court hereby orders as follows: The Third Claim for Relief of plaintiffs' First Amended Complaint, alleging a violation of equal protection of the law, is hereby DISMISSED with prejudice as to the named defendants only. Plaintiffs' Fifth Claim for Relief for Declaratory and Injunctive Relief is hereby DISMISSED IN PART as set forth in the Stipulation. Accordingly, plaintiffs' claims with respect to the legality under California Law, Vehicle Code section 14602.6, of impounding a vehicle driven by an unlicensed driver who has previously been issued a license in a foreign country, is DISMISSED as moot, without prejudice. Each party is to bear their own fees and costs with respect to the dismissals made by this Order and the Stipulated Order issued April 29, 2013. Plaintiffs shall file a Second Amended Complaint consistent with this Order and with the Court's Order issued April 29, 2013 within 10 days of entry of this Order. All other issues are reserved.

**IT IS SO ORDERED.**

Dated: 5/20/13

  
United States District Court Judge